

SB0035S01 compared with SB0035

~~{deleted text}~~ shows text that was in SB0035 but was deleted in SB0035S01.

Inserted text shows text that was not in SB0035 but was inserted into SB0035S01.

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Representative Adam Robertson proposes the following substitute bill:

MUNICIPAL INCORPORATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: ~~{_____}~~ Adam Robertson

LONG TITLE

~~{Committee Note:~~

~~—The Government Operations Interim Committee recommended this bill.~~

~~}General Description:~~

This bill modifies provisions related to the incorporation of a municipality.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals Title 10, Chapter 2a, Part 3, Incorporation of a Town;
- ▶ adds the incorporation of a town to the existing process for incorporating a city;
- ▶ establishes qualifications for an area to incorporate as a municipality;
- ▶ establishes a population density threshold for an area to incorporate as a municipality;

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- ▶ amends provisions related to the content of a feasibility study;
- ▶ requires a feasibility consultant to consult with certain governmental entities when drafting a feasibility study;
- ▶ changes the deadline by which a feasibility consultant is required to complete a feasibility study;
- ▶ establishes the Municipal Incorporation Expendable Special Revenue Fund for the lieutenant governor's provision of municipal incorporation services;
- ▶ establishes provisions related to a new municipality's responsibility to repay the lieutenant governor for certain services rendered by the lieutenant governor during the incorporation process; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates:

- ▶ to the Municipal Incorporation Expendable Special Revenue Fund as a one-time appropriation:
 - from the General Fund, ~~+\$100~~ \$40,000.

Other Special Clauses:

This bill provides revisor instructions.

[This bill provides a coordination clause.](#)

Utah Code Sections Affected:

AMENDS:

10-2-403, as last amended by Laws of Utah 2017, Chapter 452

10-2a-102, as renumbered and amended by Laws of Utah 2015, Chapter 352

10-2a-106, as last amended by Laws of Utah 2017, Chapter 452

10-2a-201, as enacted by Laws of Utah 2015, Chapter 352

10-2a-202, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352

10-2a-203, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352

10-2a-204, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352

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- 10-2a-205**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-206**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-207**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-208**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-209**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-210**, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-211**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-212**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-213**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-214**, as last amended by Laws of Utah 2017, Chapter 91
- 10-2a-215**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination Clause, Laws of Utah 2015, Chapter 352
- 10-2a-216**, as renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-217**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-218**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-219**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-220**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352
- 10-2a-402**, as last amended by Laws of Utah 2017, Chapter 367
- 10-2a-413**, as enacted by Laws of Utah 2015, Chapter 352
- 20A-1-203**, as last amended by Laws of Utah 2018, Chapters 68 and 415

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20A-11-101, as last amended by Laws of Utah 2017, Chapter 452

63I-2-210, as last amended by Laws of Utah 2018, Second Special Session, Chapter 6

67-1a-2, as last amended by Laws of Utah 2018, Chapter 330

ENACTS:

10-2a-201.5, Utah Code Annotated 1953

REPEALS:

10-2a-221, as renumbered and amended by Laws of Utah 2015, Chapter 352

10-2a-301, as enacted by Laws of Utah 2015, Chapter 352

10-2a-302.5, as last amended by Laws of Utah 2018, Chapters 281 and 330

10-2a-303, as last amended by Laws of Utah 2017, Chapter 452

10-2a-304, as last amended by Laws of Utah 2017, Chapter 452

10-2a-305, as renumbered and amended by Laws of Utah 2015, Chapter 352 and repealed and reenacted by Laws of Utah 2015, Chapter 111

10-2a-305.1, as last amended by Laws of Utah 2018, Chapter 11

10-2a-305.2, as enacted by Laws of Utah 2015, Chapter 111 and last amended by Coordination Clause, Laws of Utah 2015, Chapter 352

10-2a-306, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and amended by Laws of Utah 2015, Chapter 352

10-2a-307, as enacted by Laws of Utah 2015, Chapter 157 and last amended by Coordination Clause, Laws of Utah 2015, Chapter 352

Utah Code Sections Affected by Revisor Instructions:

10-2a-106, as last amended by Laws of Utah 2017, Chapter 452

Utah Code Sections Affected by Coordination Clause:

10-2a-207, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and amended by Laws of Utah 2015, Chapter 352

10-2a-210, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered and amended by Laws of Utah 2015, Chapter 352

10-2a-213, as renumbered and amended by Laws of Utah 2015, Chapter 352

10-2a-214, as last amended by Laws of Utah 2017, Chapter 91

10-2a-215, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination

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Clause, Laws of Utah 2015, Chapter 352

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-2-403** is amended to read:

10-2-403. Annexation petition -- Requirements -- Notice required before filing.

(1) Except as provided in Section 10-2-418, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed annexation of an area located in a county of the first class, the person or persons intending to file a petition shall:

(A) file with the city recorder or town clerk of the proposed annexing municipality a notice of intent to file a petition; and

(B) send a copy of the notice of intent to each affected entity.

(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the area that is proposed to be annexed.

(b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be annexed is located shall:

(A) mail the notice described in Subsection (2)(b)(iii) to:

(I) each owner of real property located within the area proposed to be annexed; and

(II) each owner of real property located within 300 feet of the area proposed to be annexed; and

(B) send to the proposed annexing municipality a copy of the notice and a certificate indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

(ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 days after receiving from the person or persons who filed the notice of intent:

(A) a written request to mail the required notice; and

(B) payment of an amount equal to the county's expected actual cost of mailing the notice.

(iii) Each notice required under Subsection (2)(b)(i)(A) shall:

(A) be in writing;

(B) state, in bold and conspicuous terms, substantially the following:

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"Attention: Your property may be affected by a proposed annexation.

Records show that you own property within an area that is intended to be included in a proposed annexation to (state the name of the proposed annexing municipality) or that is within 300 feet of that area. If your property is within the area proposed for annexation, you may be asked to sign a petition supporting the annexation. You may choose whether [~~or not~~] to sign the petition. By signing the petition, you indicate your support of the proposed annexation. If you sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality) within 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing or not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

You may obtain more information on the proposed annexation by contacting (state the name, mailing address, telephone number, and email address of the official or employee of the proposed annexing municipality designated to respond to questions about the proposed annexation), (state the name, mailing address, telephone number, and email address of the county official or employee designated to respond to questions about the proposed annexation), or (state the name, mailing address, telephone number, and email address of the person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the notice of intent, one of those persons). Once filed, the annexation petition will be available for inspection and copying at the office of (state the name of the proposed annexing municipality) located at (state the address of the municipal offices of the proposed annexing municipality)."; and

(C) be accompanied by an accurate map identifying the area proposed for annexation.

(iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any other information or materials related or unrelated to the proposed annexation.

(c) (i) After receiving the certificate from the county as provided in Subsection (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons

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who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for the annexation proposed in the notice of intent.

(ii) An annexation petition provided by the proposed annexing municipality may be duplicated for circulation for signatures.

(3) Each petition under Subsection (1) shall:

(a) be filed with the applicable city recorder or town clerk~~[, as the case may be,]~~ of the proposed annexing municipality;

(b) contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:

(i) is located within the area proposed for annexation;

(ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area within the area proposed for annexation;

(B) covers 100% of rural real property as that term is defined in Section 17B-2a-1107 within the area proposed for annexation; and

(C) covers 100% of the private land area within the area proposed for annexation, if the area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture and Industrial Protection Areas, or a migratory bird production area created under Title 23, Chapter 28, Migratory Bird Production Area; and

(iii) is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;

(c) be accompanied by:

(i) an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation; and

(ii) a copy of the notice sent to affected entities as required under Subsection (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

(d) if the area proposed to be annexed is located in a county of the first class, contain on each signature page a notice in bold and conspicuous terms that states substantially the following:

"Notice:

- There will be no public election on the annexation proposed by this petition because

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Utah law does not provide for an annexation to be approved by voters at a public election.

• If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.";

(e) if the petition proposes the annexation of an area located in a county that is not the county in which the proposed annexing municipality is located, be accompanied by a copy of the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in which the area is located; and

(f) designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

(4) A petition under Subsection (1) may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.

(5) A petition under Subsection (1) proposing the annexation of an area located in a county of the first class may not propose the annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2a-202 [~~or a petition under Section 10-2a-302.5~~] if:

(a) the request or petition was filed before the filing of the annexation petition; and

(b) the request, or a petition under Section 10-2a-208 based on that request, [~~or a petition under Section 10-2a-302.5~~] is still pending on the date the annexation petition is filed.

(6) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

(a) along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;

(b) to eliminate islands and peninsulas of territory that is not receiving municipal-type services;

(c) to facilitate the consolidation of overlapping functions of local government;

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- (d) to promote the efficient delivery of services; and
- (e) to encourage the equitable distribution of community resources and obligations.

(7) On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located.

(8) A property owner who signs an annexation petition proposing to annex an area located in a county of the first class may withdraw the owner's signature by filing a written withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i).

Section 2. Section **10-2a-102** is amended to read:

10-2a-102. Definitions.

(1) As used in this part:

(a) "Feasibility consultant" means a person or firm:

(i) with expertise in the processes and economics of local government; and

(ii) who is independent of and not affiliated with a county or sponsor of a petition to incorporate.

(b) (i) "Municipal service" means any of the following that are publicly provided:

(A) culinary water;

(B) secondary water;

(C) sewer service;

(D) storm drainage or flood control;

(E) recreational facilities or parks;

(F) electrical power generation or distribution;

(G) construction or maintenance of local streets and roads;

(H) street lighting;

(I) curb, gutter, and sidewalk maintenance;

(J) law or code enforcement service;

(K) fire protection service;

(L) animal services;

(M) planning and zoning;

(N) building permits and inspections;

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(O) refuse collection; or

(P) weed control.

(ii) "Municipal service" includes the physical facilities required to provide a service described in Subsection (1)(b)(i).

~~[(b)]~~ (c) "Private," with respect to real property, means taxable property.

(2) For purposes of this part:

(a) the owner of real property shall be the record title owner according to the records of the county recorder on the date of the filing of the request or petition; and

(b) the value of private real property shall be determined according to the last assessment roll for county taxes before the filing of the request or petition.

(3) For purposes of each provision of this part that requires the owners of private real property covering a percentage or fraction of the total private land area within an area to sign a request or petition:

(a) a parcel of real property may not be included in the calculation of the required percentage or fraction unless the request or petition is signed by:

(i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership interest in that parcel; or

(ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;

(b) the signature of a person signing a request or petition in a representative capacity on behalf of an owner is invalid unless:

(i) the person's representative capacity and the name of the owner the person represents are indicated on the request or petition with the person's signature; and

(ii) the person provides documentation accompanying the request or petition that substantiates the person's representative capacity; and

(c) subject to Subsection (3)(b), a duly appointed personal representative may sign a request or petition on behalf of a deceased owner.

Section 3. Section **10-2a-106** is amended to read:

10-2a-106. Feasibility study or petition to incorporate filed before May 12, 2015.

(1) If a request for a feasibility study to incorporate a city is filed under Section 10-2a-202 before May 12, 2015, the request and a subsequent feasibility study, petition, public

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hearing, election, and any other city incorporation action applicable to that request shall be filed with and be acted upon, held, processed, or paid for by the county legislative body or county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015, Chapter 157, takes effect.

(2) If a petition to incorporate a town is filed [~~under Section 10-2a-302.5~~] before May 12, 2015, the petition and a subsequent feasibility study, petition, public hearing, election, and any other town incorporation action applicable to that petition to incorporate shall be filed with and be acted upon, held, processed, or paid for by the county legislative body or county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015, Chapter 157, takes effect.

(3) If an individual files a request for a feasibility study for the incorporation of a city, or an application for an incorporation petition for the incorporation of a town, before May 14, 2019, the process for incorporating that city or town under that request or application is not subject to this bill.

Section 4. Section **10-2a-201** is amended to read:

Part 2. Incorporation of a Municipality

10-2a-201. Title.

This part is known as "Incorporation of a [City] Municipality."

Section 5. Section **10-2a-201.5** is enacted to read:

10-2a-201.5. Qualifications for incorporation.

(1) (a) An area may incorporate as a town in accordance with this part if the area:

- (i) subject to Subsection (1)(c), is contiguous;
- (ii) has a population of at least 100 people, but fewer than 1,000 people; and
- (iii) is not already part of a municipality.

(b) An area may incorporate as a city in accordance with this part if the area:

- (i) subject to Subsection (1)(c), is contiguous;
- (ii) has a population of 1,000 people or more; and
- (iii) is not already part of a municipality.

(c) An area is not contiguous for purposes of Subsection (1)(a)(i) or (b)(i) if:

- (i) the area includes a strip of land that connects geographically separate areas; and
- (ii) the distance between the geographically separate areas is greater than the average

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width of the strip of land connecting the geographically separate areas.

(2) (a) An area may not incorporate under this part if:

(i) the area has a population of fewer than 100 people; or

(ii) except as provided in Subsection (2)(b), the area has an average population density of fewer than seven people per square mile.

(b) Subject to Subsection (1)(c), an area that does not comply with Subsection (2)(a)(ii) may incorporate under this part if the noncompliance is necessary to connect separate areas that share a demonstrable community interest.

(3) Subject to Subsection (1)(c), an area incorporating under this part may not include land owned by the United States federal government unless:

(a) incorporating the land is necessary to connect separate areas that share a demonstrable community interest; or

(b) excluding the land from the incorporating area would create an unincorporated island within the proposed municipality.

(4) (a) Except as provided in Subsection (4)(b), an area incorporating under this part may not include some or all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

(i) was filed before the filing of the request for a feasibility study, described in Section 10-2a-202, relating to the incorporating area; and

(ii) is still pending on the date the request for the feasibility study described in Subsection (4)(a)(i) is filed.

(b) A request for a feasibility study may propose for incorporation an area that includes some or all of an area proposed for annexation in an annexation petition described in Subsection (4)(a) if:

(i) the proposed annexation area that is part of the area proposed for incorporation does not exceed 20% of the area proposed for incorporation;

(ii) the request complies with Subsections 10-2a-202(1) and (2) with respect to excluding the proposed annexation area from the area proposed for incorporation; and

(iii) excluding the area proposed for annexation from the area proposed for incorporation would not cause the area proposed for incorporation to not be contiguous under Subsection (1)(c).

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(c) Except as provided in Section 10-2a-206, the lieutenant governor shall consider each request to which Subsection (4)(b) applies as not proposing the incorporation of an area proposed for annexation.

Section 6. Section **10-2a-202** is amended to read:

10-2a-202. Request for feasibility study -- Requirements -- Limitations.

(1) The process to incorporate a contiguous area of a county as a [city] municipality is initiated by an individual filing a request for a feasibility study [~~filed~~] with the Office of the Lieutenant Governor[-] that:

~~[(2) Each request under Subsection (1) shall:]~~

(a) [~~be~~] is signed by the owners of private real property that:

(i) is located within the area proposed to be incorporated;

(ii) covers at least 10% of the total private land area within the area; and

(iii) is equal in value to at least 7% of the value of all private real property within the

area;

(b) [~~indicate~~] indicates the typed or printed name and current residence address of each owner signing the request;

(c) [~~describe~~] describes the contiguous area proposed to be incorporated as a [city] municipality;

(d) [~~designate~~] designates up to five signers of the request as sponsors, one of whom [~~shall be~~] is designated as the contact sponsor, with the mailing address and telephone number of each;

(e) [~~be~~] is accompanied by and circulated with an accurate map or plat, prepared by a licensed surveyor, showing a legal description of the boundaries of the proposed [city] municipality; and

(f) [~~request~~] requests the lieutenant governor to commission a study to determine the feasibility of incorporating the area as a [city] municipality.

~~[(3) (2) A request for a feasibility study under this section may not propose for incorporation an area that includes some or all of an area that is the subject of a completed feasibility study or supplemental feasibility study whose results comply with Subsection [10-2a-208(3)] 10-2a-205(6)(a) unless:~~

(a) the proposed incorporation that is the subject of the completed feasibility study or

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supplemental feasibility study has been defeated by the voters at an election under Section 10-2a-210; or

(b) the time ~~[provided under]~~ described in Subsection 10-2a-208(1) for filing an incorporation petition based on the completed feasibility study or supplemental feasibility study has elapsed without ~~[the filing of a petition]~~ the sponsors filing an incorporation petition under Section 10-2a-208.

~~[(4)(a) Except as provided in Subsection (4)(b), a request under this section may not propose for incorporation an area that includes some or all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:]~~

~~[(i) was filed before the filing of the request; and]~~

~~[(ii) is still pending on the date the request is filed:]~~

~~[(b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area that includes some or all of an area proposed for annexation in an annexation petition described in Subsection (4)(a) if:]~~

~~[(i) the proposed annexation area that is part of the area proposed for incorporation does not exceed 20% of the area proposed for incorporation;]~~

~~[(ii) the request complies with Subsections (2) and (3) with respect to the area proposed for incorporation excluding the proposed annexation area; and]~~

~~[(iii) excluding the area proposed for annexation from the area proposed for incorporation would not cause the area proposed for incorporation to lose its contiguousness:]~~

~~[(c) Except as provided in Section 10-2a-206, each request to which Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area proposed for annexation:]~~

(3) Sponsors may not file a request under this section regarding the incorporation of a town if the cumulative private real property that the sponsors own exceeds 40% of the total private land area within the boundaries of the proposed town.

Section 7. Section **10-2a-203** is amended to read:

10-2a-203. Notice to owner of property -- Exclusion of property from proposed boundaries.

(1) As used in this section:

(a) "Assessed value" with respect to property means the value at which the property

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would be assessed without regard to a valuation for agricultural use under Section 59-2-503.

(b) "Owner" means a person having an interest in real property, including an affiliate, subsidiary, or parent company.

~~[(c) "Urban" means an area with a residential density of greater than one unit per acre.]~~

(2) Within seven calendar days ~~[of the date]~~ after the day on which an individual files a request under Section 10-2a-202 [is filed], the lieutenant governor shall send written notice of the proposed incorporation to each record owner of real property owning more than:

(a) 1% of the assessed value of all property in the proposed incorporation boundaries;

or

(b) 10% of the total private land area within the proposed incorporation boundaries.

(3) If an owner owns, controls, or manages more than 1% of the assessed value of all property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more of the total private land area in the proposed incorporation boundaries, the owner may request that the lieutenant governor exclude all or part of the property owned, controlled, or managed by the owner from the proposed boundaries by filing a ~~[Notice of Exclusion]~~ notice of exclusion with the Office of the Lieutenant Governor:

(a) that describes the property for which the owner requests exclusion; and

(b) within 15 calendar days [of receiving the clerk's notice under] after the day on which the owner receives the notice described in Subsection (2).

(4) The lieutenant governor shall exclude the property identified by an owner ~~[in the Notice of Exclusion]~~ under Subsection (3) from the proposed incorporation boundaries unless the lieutenant governor finds by clear and convincing evidence ~~[in the record]~~ that:

(a) the exclusion will leave an unincorporated island within the proposed municipality; and

(b) the property ~~[to be excluded: (i) is urban; and (ii) currently]~~ receives from the county a majority of ~~[municipal-type services including:]~~ currently provided municipal services.

~~[(A) culinary or irrigation water;]~~

~~[(B) sewage collection or treatment;]~~

~~[(C) storm drainage or flood control;]~~

~~[(D) recreational facilities or parks;]~~

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~~[(E) electric generation or transportation;]~~

~~[(F) construction or maintenance of local streets and roads;]~~

~~[(G) curb and gutter or sidewalk maintenance;]~~

~~[(H) garbage and refuse collection; and]~~

~~[(I) street lighting.]~~

~~[(5) This section applies only to counties of the first or second class.]~~

~~[(6) If the lieutenant governor excludes property from the proposed boundaries under Subsection (4), the lieutenant governor shall, within five days of the exclusion, send written notice of the exclusion to the contact sponsor.]~~

(5) Within five days after the day on which the lieutenant governor makes a determination on whether to exclude a property under Subsection (4), the lieutenant governor shall mail or transmit to the owner that requested the property's exclusion and to the contact sponsor written notice of whether the property is excluded from the proposed incorporation boundaries.

Section 8. Section **10-2a-204** is amended to read:

10-2a-204. Processing a request for incorporation -- Certification or rejection by lieutenant governor -- Processing priority -- Determination by the Utah Population Committee.

(1) Within 45 days ~~[of the filing of a request]~~ after the day on which an individual files a request under Section 10-2a-202, the lieutenant governor shall:

(a) with the assistance of other county officers of the county in which the incorporation is proposed from whom the lieutenant governor requests assistance, determine whether the request complies with Section 10-2a-202; and

(b) (i) if the lieutenant governor determines that the request complies with Section 10-2a-202:

(A) certify the request; ~~[and]~~

(B) ~~[mail or deliver]~~ transmit written notification of the certification to the contact sponsor; ~~[or]~~ and

(C) transmit written notification of the certification to the Utah Population Committee;

or

(ii) if the lieutenant governor determines that the request fails to comply with Section

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10-2a-202 [~~requirements~~], reject the request and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(2) (a) Within 20 days after the day on which the lieutenant governor transmits written notification under Subsection (1)(b)(i)(C), the Utah Population Committee shall:

(i) determine whether, on the date the sponsors filed the request under Section 10-2a-202 for the proposed municipality, the proposed municipality complied with the population, population density, and contiguity requirements described in Section 10-2a-201.5; and

(ii) provide the determination to the lieutenant governor.

(b) If the Utah Population Committee determines that a proposed municipality does not comply with the population, population density, or contiguity requirements described in Section 10-2a-201.5, the lieutenant governor shall rescind the certification described in Subsection (1)(b)(i) and reject the application in accordance with Subsection (1)(b)(ii).

~~[(2)] (3)~~ The lieutenant governor shall certify or reject requests under Subsection (1) in the order in which ~~[they]~~ the requests are filed.

~~[(3)] (4)~~ (a) (i) If the lieutenant governor rejects a request under Subsection (1)(b)(ii), the ~~[request may be amended]~~ sponsors may, subject to Section 10-2a-206, amend the request to correct the deficiencies for which [it was rejected and then refiled] the lieutenant governor rejected the request and refile the request with the lieutenant governor.

~~[(ii) A signature on a request under Section 10-2a-202 may be used toward fulfilling the signature requirement of Subsection 10-2a-202(2)(a) for the request as modified under Subsection (3)(a)(i):]~~

(ii) The sponsors shall submit any amended request within 90 days after the day on which the lieutenant governor rejects the request under Subsection (1)(b)(ii).

(iii) The sponsors may reuse a signature described in Subsection 10-2a-202(1)(a) that is on a rejected request or on an amended request described in Subsection (4)(a)(i).

(b) ~~[If a request is]~~ The lieutenant governor shall consider a request that is amended and refiled under Subsection [(3)(a) after having been rejected by the lieutenant governor under Subsection (1)(b)(ii), it shall be considered as a newly filed request, and its processing priority is determined by the date on which it is refiled] (4)(a) as a newly filed request and process the request in accordance with Subsection (3).

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Section 9. Section **10-2a-205** is amended to read:

10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for proceeding with incorporation.

(1) Within 90 days ~~[of receipt of a certified request]~~ after the day on which the lieutenant governor receives a request that the lieutenant governor certifies under Subsection 10-2a-204(1)(b)(i), the lieutenant governor shall engage [the] a feasibility consultant [chosen under] selected, in accordance with Subsection (2), to conduct a feasibility study.

~~[(2) The feasibility consultant shall be chosen:]~~

~~[(a) (i) by the contact sponsor of the incorporation petition with the consent of the lieutenant governor; or]~~

~~[(ii) by the lieutenant governor if the designated sponsors state, in writing, that the contact sponsor defers selection of the feasibility consultant to the lieutenant governor; and]~~

~~[(b) in accordance with applicable procurement procedures.]~~

(2) (a) The lieutenant governor shall select a feasibility consultant in accordance with Title 63G, Chapter 6a, Utah Procurement Code.

(b) The lieutenant governor shall ensure that a feasibility consultant selected under Subsection (2)(a):

(i) has expertise in the processes and economics of local government; and

(ii) is not affiliated with:

(A) a sponsor of the feasibility study request to which the feasibility study relates; or

(B) the county in which the proposed municipality is located.

(3) The lieutenant governor shall require the feasibility consultant to:

~~[(a) complete the feasibility study and submit the written results to the lieutenant governor;]~~

(a) submit a draft of the feasibility study to each applicable person with whom the feasibility consultant is required to consult under Subsection (4)(c) within 90 days after the day on which the lieutenant governor engages the feasibility consultant to conduct the study;

(b) allow each person to whom the consultant provides a draft under Subsection (3)(a) to review and provide comment on the draft;

(c) submit a completed feasibility study, including a one-page summary of the results, to the following within 120 days after the day on which the lieutenant governor engages the

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feasibility consultant to conduct the study:

(i) the lieutenant governor;

(ii) the county legislative body of the county in which the incorporation is proposed[; and];

(iii) the contact sponsor [no later than 90 days after the feasibility consultant is engaged to conduct the study]; and

(iv) each person to whom the consultant provided a draft under Subsection (3)(a); and

[(b) submit with the full written results of the feasibility study a summary of the results no longer than one page in length; and]

[(c)] (d) attend the public hearings [under Subsection 10-2a-207(1) and] described in Section 10-2a-207 to present the feasibility study results and respond to questions from the public [at those hearings].

[(4)(a) The feasibility study shall consider:]

(4) (a) The feasibility consultant shall ensure that the feasibility study includes:

(i) an analysis of the population and population density within the area proposed for incorporation and the surrounding area;

[(ii) current and five-year projections of demographics and economic base in]

(ii) the current and projected five-year demographics and tax base within the boundaries of the proposed [city] municipality and surrounding area, including household size and income, commercial and industrial development, and public facilities;

[(iii) projected growth in the proposed city and in adjacent areas during the next five years;]

[(iv) subject to Subsection (4)(b), the present and five-year projections of the cost, including overhead, of governmental services in the proposed city, including:]

[(A) culinary water;]

[(B) secondary water;]

[(C) sewer;]

[(D) law enforcement;]

[(E) fire protection;]

[(F) roads and public works;]

[(G) garbage;]

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~~[(H) weeds; and]~~

~~[(f) government offices;]~~

(iii) subject to Subsection (4)(b), the current and five-year projected cost of providing municipal services to the proposed municipality, including administrative costs;

~~[(v)]~~ (iv) assuming the same tax categories and tax rates as currently imposed by the county and all other current service providers, the present and five-year projected revenue for the proposed [city] municipality;

~~[(vi) a projection of any new taxes per household]~~

(v) an analysis of the risks and opportunities that might affect the actual costs described in Subsection (4)(a)(iii) or revenues described in Subsection (4)(a)(iv) of the newly incorporated municipality;

(vi) an analysis of new revenue sources that may be available to the newly incorporated municipality that are not available before the area incorporates, including an analysis of the amount of revenues the municipality might obtain from those revenue sources;

(vii) the projected tax burden per household of any new taxes that may be levied within the [incorporated area] proposed municipality within five years [of] after incorporation; and

~~[(vii)]~~ (viii) the fiscal impact of the municipality's incorporation on unincorporated areas, other municipalities, local districts, special service districts, and other governmental entities in the county[-]; and

(ix) if the lieutenant governor excludes property from the proposed municipality under Section 10-2a-203, an update to the map and legal description described in Subsection 10-2a-202(1)(e).

(b) (i) For purposes of Subsection (4)(a)~~[(iv)]~~(iii), the feasibility consultant shall assume ~~the proposed municipality will provide a level and quality of [governmental services to be provided to the proposed city in the future]~~ municipal services that fairly and reasonably approximate the level and quality of ~~[governmental]~~ municipal services [being] that are provided to the area of the proposed [city at the time of] municipality at the time the feasibility consultant conducts the feasibility study.

(ii) In determining the present cost of a ~~[governmental service]~~ municipal service, the feasibility consultant shall consider:

(A) the amount it would cost the proposed [city] municipality to provide

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[governmental] the municipal service for the first five years after the municipality's incorporation; and

(B) the [county's] current municipal service provider's present and five-year projected cost of providing [governmental] the municipal service.

~~[(iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation and anticipated growth.]~~

(iii) In calculating costs under Subsection (4)(a)(iii), the feasibility consultant shall account for inflation and anticipated growth.

(c) In conducting the feasibility study, the feasibility consultant shall consult with the following before submitting a draft of the feasibility study under Subsection (3)(a):

(i) if the proposed municipality will include lands owned by the United States federal government, the entity within the United States federal government that has jurisdiction over the land;

(ii) if the proposed municipality will include lands owned by the state, the entity within state government that has jurisdiction over the land;

(iii) each entity that provides a municipal service to a portion of the proposed municipality; and

(iv) any other special service district that provides services to a portion of the proposed municipality.

(5) If the [five-year] five-year projected revenues calculated under Subsection (4)(a)[(v)](iv) exceed the [five-year] five-year projected costs calculated under Subsection (4)(a)[(iv)](iii) by more than 5%, the feasibility consultant shall project and report the expected annual revenue surplus to the contact sponsor and the lieutenant governor.

(6) (a) Except as provided in Subsection (6)(b), if the results of the feasibility study, or a supplemental feasibility study described in Section 10-2a-206, show that the average annual amount of revenue calculated under Subsection (4)(a)(iv) does not exceed the average annual cost calculated under Subsection (4)(a)(iii) by more than 5%, the process to incorporate the area that is the subject of the feasibility study or supplemental feasibility study may not proceed.

(b) The process to incorporate an area described in Subsection (6)(a) may proceed if a subsequent supplemental feasibility study conducted under Section 10-2a-206 for the proposed

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incorporation demonstrates compliance with Subsection (6)(a).

~~[(6)] (7)~~ If the results of the feasibility study or revised feasibility study do not ~~[meet the requirements of Subsection 10-2a-208(3)]~~ comply with Subsection (6), and if requested by the sponsors of the request, the feasibility consultant shall, as part of the feasibility study or revised feasibility study ~~[and if requested by the sponsors of the request],~~ make recommendations ~~[as to]~~ regarding how the boundaries of the proposed ~~[city]~~ municipality may be altered ~~[so that the requirements of Subsection 10-2a-208(3) may be met]~~ to comply with Subsection (6).

(8) The lieutenant governor shall post a copy of the feasibility study, and any supplemental feasibility study described in Section 10-2a-206, on the lieutenant governor's website and make a copy available for public review at the Office of the Lieutenant Governor.

Section 10. Section **10-2a-206** is amended to read:

10-2a-206. Modified request for feasibility study -- Supplemental feasibility study.

(1) (a) ~~[(+)]~~ The sponsors of a feasibility study request may modify the request to alter the boundaries of the proposed ~~[city and then refile the request, as modified,]~~ municipality and refile the modified request with the lieutenant governor if:

~~[(A)]~~ (i) the results of the feasibility study do not ~~[meet the requirements of Subsection 10-2a-208(3)]~~ comply with Subsection 10-2a-205(6)(a); or

~~[(B)-(F)]~~ (ii) (A) the request ~~[meets the conditions of]~~ complies with Subsection ~~[10-2a-202]~~ 10-2a-201.5(4)(b);

~~[(H)]~~ (B) the annexation petition that proposed the annexation of an area that is part of the area proposed for incorporation has been denied; and

~~[(HH)]~~ (C) an incorporation petition based on the request has not been filed.

~~[(ii)-(A)]~~ (b) (i) ~~[A]~~ The sponsors of a feasibility study request may not file a modified request under Subsection (1)(a)(i)[(A) may not be filed] more than 90 days after the ~~[feasibility consultant's submission of the results of the study]~~ day on which the feasibility consultant submits the final results of the feasibility study under Subsection 10-2a-205(3)(c).

~~[(B)]~~ (ii) ~~[A]~~ The sponsors of a request may not file a modified request under Subsection ~~[(1)(a)(i)(B) may not be filed]~~ (1)(a)(ii) more than 18 months after ~~[the filing of]~~ filing the original request under Section 10-2a-202.

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~~[(b)] (c)~~ (i) Subject to Subsection (1)~~[(b)](c)~~(ii), each modified request under Subsection (1)(a) shall comply with ~~[the requirements of Subsections 10-2a-202(2), (3), and (4)]~~ Subsections 10-2a-202(1) and (2) and Subsection 10-2a-201.5(4).

(ii) Notwithstanding Subsection (1)~~[(b)](c)~~(i), a signature on a request filed under Section 10-2a-202 may be used toward fulfilling the signature requirement of Subsection 10-2a-202~~[(2)](1)~~(a) for the request as modified under Subsection (1)(a), unless the modified request proposes the incorporation of an area that is more than 20% ~~[greater]~~ larger or smaller than the area described by the original request in terms of:

- (A) private land area; or
- (B) value of private real property.

(2) Within 20 days after the lieutenant governor's receipt of the modified request, the lieutenant governor shall follow the same procedure under Subsection 10-2a-204(1) for the modified request as ~~[provided under Subsection 10-2a-204(1)]~~ for an original request.

(3) The timely filing of a modified request under Subsection (1) gives the modified request the same processing priority under Subsection 10-2a-204~~[(2)](3)~~ as the original request.

(4) Within 10 days after the day on which the lieutenant ~~[governor's receipt of a certified]~~ governor receives a modified request under Subsection (1)(a)~~[(i)(A) or a certified modified request under Subsection (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request]~~ that relates to a request for which a feasibility study has already been completed, the lieutenant governor shall commission the feasibility consultant who conducted the feasibility study to ~~[supplement the feasibility study to take into account the information in the modified request that was not included in the original request]~~ conduct a supplemental feasibility study that accounts for the modified request.

(5) The lieutenant governor shall require the feasibility consultant to ~~[complete the supplemental feasibility study and to submit written results of the supplemental study to the lieutenant governor and to the contact sponsor no later than 30 days after the feasibility consultant is commissioned to conduct the supplemental feasibility study.];~~

(a) submit a draft of the supplemental feasibility study to each applicable person with whom the feasibility consultant is required to consult under Subsection 10-2a-205(4)(c) within 30 days after the day on which the feasibility consultant is engaged to conduct the supplemental study;

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(b) allow each person to whom the consultant provided a draft under Subsection (5)(a) to review and provide comment on the draft; and

(c) submit a completed supplemental feasibility study, to the following within 45 days after the day on which the feasibility consultant is engaged to conduct the study:

(i) the lieutenant governor;

(ii) the county legislative body of the county in which the incorporation is proposed;

(iii) the contact sponsor; and

(iv) each person to whom the consultant provided a draft under Subsection (5)(a).

(6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study do not [~~meet the requirements of Subsection 10-2a-208(3);(i) the sponsors may file a further modified request as provided in Subsection (1); and~~] comply with Subsection 10-2a-205(6)(a), the sponsors may further modify the request in accordance with Subsection (1).

~~[(ii) (b) Subsections (2), (4), and (5) apply to a [further] modified request [under] described in Subsection (6)(a)[(†)].~~

~~[(b) A further modified request under Subsection (6)(a) shall, for purposes of its processing priority, be considered as an original request for a feasibility study under Section 10-2a-202.]~~

(c) The lieutenant governor shall consider a modified request described in Subsection (6)(a) as an original request for a feasibility study for purposes of determining the modified request's processing priority under Subsection 10-2a-204(3).

Section 11. Section **10-2a-207** is amended to read:

10-2a-207. Public hearings on feasibility study results -- Notice of hearings.

(1) If the results of the feasibility study or supplemental feasibility study [~~meet the requirements of~~] comply with Subsection [10-2a-208(3)] 10-2a-205(6)(a), the lieutenant governor shall, after receipt of the results of the feasibility study or supplemental feasibility study, [~~schedule~~] conduct at least two public hearings [~~to be held~~]:

(a) within [~~the following~~] 60 days after [~~receipt of~~] the day on which the lieutenant governor receives the results;

(b) at least seven days apart;

(c) except in a proposed municipality that will be a city of the fifth class or a town, in geographically diverse locations;

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~~(d) within or near the proposed [city, and] municipality;~~

~~[(d) for the purpose of allowing:]~~

~~(+)~~ (e) to allow the feasibility consultant to present the results of the feasibility study;

and

~~[(ii) the public to become informed about the feasibility study results and to ask questions about those results of the feasibility consultant.]~~

(f) to inform the public about the results of the feasibility study.

(2) At [a] each public hearing described in Subsection (1), the lieutenant governor shall:

(a) provide a map or plat of the boundary of the proposed [city] municipality;

(b) provide a copy of the feasibility study for public review; ~~[and]~~

(c) allow members of the public to express [its] views about the proposed incorporation, including [its view] views about the proposed [boundary:] boundaries; and

(d) allow the public to ask the feasibility consultant questions about the feasibility study.

(3) (a) (i) The lieutenant governor shall publish notice of the public hearings ~~[required under]~~ described in Subsection (1):

(A) at least once a week for three ~~[successive]~~ consecutive weeks before the first hearing in a newspaper of general circulation within the proposed [city] municipality; and

(B) for three weeks before the first hearing on the Utah Public Notice Website created in Section 63F-1-701~~[, for three weeks]~~.

(ii) The last ~~[publication of]~~ notice required to be published under Subsection (3)(a)(i)(A) shall be published at least three days before the first public hearing ~~[required under]~~ described in Subsection (1).

(b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation within the proposed [city] municipality, the lieutenant governor shall post at least one notice of the hearings per 1,000 population in conspicuous places within the proposed [city] municipality that are most likely to give notice of the hearings to the residents of the proposed [city] municipality.

(ii) The lieutenant governor shall post the notices ~~[under]~~ described in Subsection (3)(b)(i) at least seven days before the first hearing ~~[under]~~ described in Subsection (1).

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(c) The notice ~~[under]~~ described in Subsections (3)(a) and (b) shall include the feasibility study summary ~~[under]~~ described in Subsection 10-2a-205(3)~~[(b)](c)~~ and shall indicate that a full copy of the study is available ~~[for inspection and copying]~~ on the lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

~~[(d) The lieutenant governor shall post a copy of the feasibility study on the lieutenant governor's website and make a copy available for public review at the Office of the Lieutenant Governor.]~~

Section 12. Section **10-2a-208** is amended to read:

10-2a-208. Incorporation petition -- Requirements and form.

(1) At any time within one year ~~[of the completion of]~~ after the day on which the lieutenant governor completes the public hearings ~~[required under Subsection 10-2a-207(1), a petition for incorporation of the area proposed to be incorporated as a city may be filed in the Office of the Lieutenant Governor.]~~ described in Section 10-2a-207, individuals within the proposed municipality may proceed with the incorporation process by circulating and submitting to the lieutenant governor an incorporation petition that, to be certified under Subsection 10-2a-209(1)(b)(i), is required to be signed by:

~~[(2) Each petition under Subsection (1) shall:]~~

~~[(a) be signed by:]~~

~~[(i)]~~ (a) 10% of all registered voters within the area proposed to be incorporated as a [city, according to the official voter registration list maintained by the county on] municipality, as of the date the petition is filed; [and]

~~[(ii)]~~ (b) if the petition proposes the incorporation of a city, and subject to Subsection (4), 10% of all registered voters within[, subject to Subsection (5),] 90% of the voting precincts within the area proposed to be incorporated as a city, [according to the official voter registration list maintained by the county on] as of the date the petition is filed; and

(c) the owners of private real property that:

(i) is located within the proposed municipality;

(ii) covers at least 10% of the total private land area within the proposed municipality;

and

(iii) is equal in value to at least 7% of the value of all private real property within the proposed municipality.

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(2) The petition sponsors shall ensure that the petition:

~~[(b)]~~ (a) ~~[indicate]~~ includes the typed or printed name and current residence address of each ~~[owner signing]~~ voter that signs the petition;

~~[(c)]~~ (b) ~~[describe]~~ describes the area proposed to be incorporated as a ~~[city]~~ municipality, as described in the feasibility study request or modified request that ~~[meets the requirements of Subsection (3)]~~ complies with Subsection 10-2a-205(6)(a);

~~[(d)]~~ (c) ~~[state]~~ states the proposed name for the proposed ~~[city]~~ municipality;

~~[(e)]~~ (d) ~~[designate]~~ designates five signers of the petition as petition sponsors, one of whom ~~[shall be]~~ is designated as the contact sponsor, with the mailing address and telephone number of each;

~~[(f)]~~ (e) ~~[state]~~ if the sponsors propose the incorporation of a city, states that the signers of the petition appoint the sponsors, if the incorporation measure passes, to represent the signers in ~~[the process of]~~:

(i) selecting the number of commission or council members the new city will have; and

(ii) drawing district boundaries for the election of ~~[commission or]~~ council members, if the voters decide to elect ~~[commission or]~~ council members by district;

~~[(g)]~~ (f) ~~[be]~~ is accompanied by and circulated with an accurate plat or map, prepared by a licensed surveyor, showing the boundaries of the proposed ~~[city]~~ municipality; and

~~[(h)]~~ (g) substantially ~~[comply]~~ complies with and ~~[be]~~ is circulated in the following form:

PETITION FOR INCORPORATION OF (insert the proposed name of the proposed ~~[city]~~ municipality)

To the Honorable Lieutenant Governor:

We, the undersigned ~~[owners of real property]~~ registered voters within the area described in this petition, respectfully petition the lieutenant governor to direct the county legislative body to submit to the registered voters residing within the area described in this petition, at the next regular general election, the question of whether the area should incorporate as a ~~[city]~~ municipality. Each of the undersigned affirms that each has personally signed this petition and is ~~[an owner of real property]~~ a registered voter who resides within the described area, and that the current residence address of each is correctly written after the signer's name. The area proposed to be incorporated as a ~~[city]~~ municipality is described as

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follows: (insert an accurate description of the area proposed to be incorporated).

~~[(3) A petition for incorporation of a city under Subsection (1) may not be filed unless the results of the feasibility study or supplemental feasibility study show that the average annual amount of revenue under Subsection 10-2a-205(4)(a)(v) does not exceed the average annual amount of cost under Subsection 10-2a-205(4)(a)(iv) by more than 5%.]~~

~~[(4)] (3) A valid signature on a request [~~under~~] described in Section 10-2a-202 or a modified request [~~under~~] described in Section 10-2a-206 may not be used toward fulfilling the signature requirement [~~of~~] described in Subsection ~~[(2)(a)] (1):~~~~

(a) if the request [~~under Section 10-2a-202 or modified request under Section 10-2a-206~~] notified the signer in conspicuous language that the signature, unless withdrawn, would also be used for [~~purposes of~~] a petition for incorporation under this section; and

(b) unless the signer files with the lieutenant governor a written withdrawal of the signature before the petition is filed under this section [~~is filed~~] with the lieutenant governor.

~~[(5)] (4) (a) A signature does not qualify [~~as a signature to meet the requirement described in Subsection (2)(a)(ii)]~~ under Subsection (1)(b) if the signature is gathered from a voting precinct that:~~

(i) except in a proposed municipality that will be a city of the fifth class, is not located entirely within the boundaries of [~~the~~] a proposed city; or

(ii) includes less than 50 registered voters.

(b) A voting precinct that is not located entirely within the boundaries of the proposed city does not qualify as a voting precinct [~~to meet the precinct requirements of Subsection (2)(a)(ii)]~~ under Subsection (1)(b).

Section 13. Section **10-2a-209** is amended to read:

10-2a-209. Processing of petition by lieutenant governor -- Certification or rejection -- Petition modification.

(1) Within 45 days [~~of the filing of a petition]~~ after the day on which an incorporation petition is filed under Section 10-2a-208, the lieutenant governor shall:

(a) with the assistance of other county officers of the county in which the incorporation is proposed, and from whom the lieutenant governor requests assistance, determine whether the petition [~~meets the requirements of~~] complies with Section 10-2a-208; and

(b) (i) if the lieutenant governor determines that the petition [~~meets those requirements]~~

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complies with Section 10-2a-208, certify the petition and notify in writing the contact sponsor of the certification; or

(ii) if the lieutenant governor determines that the petition fails to ~~[meet any of those requirements]~~ comply with Section 10-2a-208, reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(2) (a) If the lieutenant governor rejects a petition under Subsection (1)(b)(ii), the petition ~~[may be modified to]~~ sponsors may correct the deficiencies for which [it] the petition was rejected and ~~[then refiled]~~ refile the petition with the lieutenant governor.

(b) ~~[A]~~ Notwithstanding the deadline described in Subsection 10-2a-208(1), the petition sponsors may file a modified petition under Subsection (2)(a) [may be filed at any time until] no later than 30 days after the day on which the lieutenant governor notifies the contact sponsor of rejection under Subsection (1)(b)(ii)[, even though the modified petition is filed after the expiration of the deadline provided in Subsection 10-2a-208(1)].

(c) A valid signature on an incorporation petition ~~[under]~~ described in Section 10-2a-208 may be used toward fulfilling the signature requirement ~~[of Subsection 10-2a-208(2)(a) for the petition as]~~ described in Subsection 10-2a-208(1) for a petition that is modified under Subsection (2)(a).

(3) (a) Within 20 days ~~[of the lieutenant governor's receipt of]~~ after the day on which the lieutenant governor receives a modified petition under Subsection (2)(a), the lieutenant governor shall ~~[follow the same procedure for the modified petition as provided under Subsection (1) for an original petition]~~ review the modified petition in accordance with Subsection (1).

~~[(b) If the lieutenant governor rejects a modified petition under Subsection (1)(b)(ii), no further modification of that petition may be filed:]~~

(b) The sponsors of an incorporation petition may not modify the petition more than once.

Section 14. Section **10-2a-210** is amended to read:

10-2a-210. Incorporation election.

~~[(1)(a) Upon receipt of a certified petition under Subsection 10-2a-209(1)(b)(i) or a certified modified petition under Subsection 10-2a-209(3), the lieutenant governor shall:]~~

~~[(i) determine and set an election date for the incorporation election that is:]~~

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~~[(A) on a regular general election date under Section 20A-1-201 or on a local special election date under Section 20A-1-203; and]~~

~~[(B) at least 65 days after the day that the lieutenant governor receives the certified petition; and]~~

(1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b), the lieutenant governor shall schedule an incorporation election for the proposed municipality described in the petition to be held on the date of the next regular general election described in Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that is at least 65 days after the day on which the lieutenant governor certifies the petition.

~~[(ii) (b)(i) The lieutenant governor shall direct the county legislative body of the county in which the [incorporation is] proposed municipality is located to hold the election on the date [determined by] that the lieutenant governor [in accordance with] schedules under Subsection (1)(a)(i)].~~

~~[(b) (ii) The county shall hold the election as directed by the lieutenant governor [in accordance with Subsection (1)(a)(ii)] under Subsection (1)(b)(i).~~

~~[(c) Unless a person is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed city, the person may not vote on the proposed incorporation.]~~

~~(2) (a) [The] Except as provided in Subsection (2)(d)(i), the county clerk shall publish notice of the election:~~

~~(i) at least once a week for three consecutive weeks before the {hearing}election in a newspaper of general circulation within [the area proposed to be incorporated at least once a week for three successive weeks] the proposed municipality; and~~

~~(ii) for three weeks before the {hearing}election in accordance with Section 45-1-101 [for three weeks].~~

~~(b) The notice [required by Subsection (2)(a)] described in Subsections (2)(a) and (d) shall contain:~~

~~(i) a [statement] description of the contents of the petition;~~

~~(ii) a description of the area proposed to be incorporated as a [city] municipality;~~

~~(iii) a statement of the date and time of the election and the location of polling places;~~

and

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(iv) the feasibility study summary [~~under~~] described in Subsection 10-2a-205(3)(~~b~~)(c) and a statement that a full copy of the study is available on the lieutenant governor's website and for inspection [~~and copying~~] at the Office of the Lieutenant Governor.

(c) The last [~~publication of~~] notice required to be published under Subsection (2)(a) shall [~~occur~~] be published at least one day, but no more than seven days, before the election.

(d) (i) [~~In accordance with Subsection (2)(a)(i), if~~] If there is no newspaper of general circulation within the proposed [~~city~~] municipality, the county clerk shall post at least one notice of the election, and at least one additional notice of the election per 1,000 population of the proposed municipality, in conspicuous places within the proposed [~~city~~] municipality that are most likely to give notice of the election to the voters of the proposed [~~city~~] municipality.

(ii) The clerk shall post the notices [~~under~~] described in Subsection (2)(d)(i) at least seven days before the election [~~under Subsection (1)~~].

(3) An individual may not vote in an incorporation election under this section unless the individual is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed municipality.

~~(3)~~ (4) If a majority of those [casting votes within the area boundaries of the proposed city vote to incorporate as a city,] who vote in an incorporation election held under this section cast votes in favor of incorporation, the area shall incorporate.

Section 15. Section **10-2a-211** is amended to read:

10-2a-211. Ballot used in incorporation election.

(1) (a) The ballot [~~at the~~] used in an incorporation election [~~under Subsection 10-2a-210(1)~~] described in Section 10-2a-210 shall pose the incorporation question substantially as follows:

"Shall the area described as (insert a description of the proposed [~~city~~] municipality) be incorporated as [~~the city of~~] (insert the proposed name of the proposed [~~city~~] municipality)?"

~~(2)~~ (b) The ballot shall provide a space for the voter to answer "yes" or "no" to the question described in Subsection (1)(a).

~~(3)(a)~~ (2) The ballot [~~at the~~] for an incorporation election for a proposed city shall also:

(a) (i) pose the question relating to the form of government substantially as follows:

"If the above incorporation proposal passes, under what form of municipal government

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shall (insert the name of the proposed city) operate? Vote for one:

Five-member council form

Six-member council form

Five-member council-mayor form

Seven-member council-mayor form."

~~[(b)]~~ (ii) ~~[The ballot shall]~~ provide a space for the voter to vote for one form of government~~[-]; and~~

~~[(4)(a)]~~ ~~The ballot at the incorporation election shall also]~~

(b)(i) pose the question of whether to elect city council members by district substantially as follows:

"If the above incorporation proposal passes, shall members of the city council of (insert the name of the proposed city) be elected by district?"; and

~~[(b)]~~ (ii) ~~[The ballot shall]~~ provide a space for the voter to answer "yes" or "no" to the question described in Subsection ~~[(4)(a)]~~ (2)(b)(i).

Section 16. Section **10-2a-212** is amended to read:

10-2a-212. Notification to lieutenant governor of incorporation election results.

Within 10 days ~~[of]~~ after the day on which the county conducts a canvass of the incorporation election, the county clerk shall send written notice to the lieutenant governor of:

(1) the results of the election; and

(2) if the incorporation measure passes~~[-(a)]~~, the name of the ~~[city; and]~~ municipality.

~~[(b) the class of the city as provided under Section 10-2-301.]~~

Section 17. Section **10-2a-213** is amended to read:

10-2a-213. Determination of number of council members -- Determination of election districts -- Hearings and notice.

(1) If the incorporation proposal passes, the petition sponsors shall, within ~~[25 days of the]~~ 60 days after the day on which the county conducts the canvass of the election under Section ~~[10-2a-210]~~ 10-2a-212:

(a) for the incorporation of a city:

~~[(a)]~~ (i) if the voters at the incorporation election choose the council-mayor form of government, determine the number of council members that will constitute the city council of the ~~[future]~~ city; and

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~~[(b)]~~ (i) if the voters at the incorporation election vote to elect council members by district, determine the number of council members to be elected by district and draw the boundaries of those districts, which shall be substantially equal in population; and

(b) for the incorporation of any municipality:

~~[(c)]~~ (i) determine the initial terms of the mayor and members of the ~~[city]~~ municipal council so that:

~~[(+)]~~ (A) the mayor and approximately half the members of the ~~[city]~~ municipal council are elected to serve an initial term, of no less than one year, that allows ~~[their]~~ the mayor's and members' successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

~~[(+)]~~ (B) the remaining members of the ~~[city]~~ municipal council are elected to serve an initial term, of no less than one year, that allows ~~[their]~~ the members' successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(2); and

~~[(d)]~~ (i) submit in writing to the county legislative body the results of the ~~[sponsors' determinations]~~ determinations made by the sponsors under Subsections (1)(a)~~[(b), and (c)]~~ and (b)(i).

(2) A newly incorporated town shall operate under the five-member council form of government as defined in Section 10-3b-102.

~~[(2)]~~ (3) (a) Before making a determination under Subsection ~~[(+)(a), (b), or (c)]~~ (1)(a) or (b)(i), the petition sponsors shall hold a public hearing within the future ~~[city]~~ municipality on the applicable issues ~~[under]~~ described in Subsections (1)(a)~~[(b), and (c)]~~ and (b)(i).

(b) (i) ~~[The]~~ Except as provided in Subsection (3)(c), the petition sponsors shall publish notice of the public hearing ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(a):

(A) at least once a week for two consecutive weeks before the hearing in a newspaper of general circulation within the future ~~[city at least once a week for two successive weeks before the hearing]~~ municipality; and

(B) for two weeks before the hearing on the Utah Public Notice Website created in Section 63F-1-701~~[(b), and (c)]~~ and (b)(i).

(ii) The last ~~[publication of]~~ notice required to be published under Subsection ~~[(2)]~~ (3)(b)(i)(A) shall be published at least three days before the public hearing ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(a).

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(c) (i) ~~[In accordance with Subsection (2)(b)(i)(A), if]~~ If there is no newspaper of general circulation within the future [city] municipality, the petition sponsors shall post at least one notice of the hearing, and at least one additional notice of the hearing per 1,000 population of the proposed municipality, in conspicuous places within the future [city] municipality that are most likely to give notice of the hearing to the residents of the future [city] municipality.

(ii) The petition sponsors shall post the notices ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(c)(i) at least seven days before the hearing ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(a).

Section 18. Section **10-2a-214** is amended to read:

10-2a-214. Notice of number of council members to be elected and of district boundaries -- Declaration of candidacy for municipal office.

(1) (a) Within 20 days ~~[of the county legislative body's receipt of the information]~~ after the day on which a county legislative body receives the petition sponsors' determination under Subsection 10-2a-213(1)~~[(d)]~~(b)(ii), the county clerk shall publish, in accordance with Subsection (1)(b), notice containing:

(i) the number of ~~[commission or]~~ municipal council members to be elected for the new [city] municipality;

(ii) if some or all of the ~~[commission or]~~ municipal council members are to be elected by district, a description of the boundaries of those districts ~~[as designated by the petition sponsors under Subsection 10-2a-213(1)(b)]~~;

(iii) information about the deadline for ~~[filing]~~ an individual to file a declaration of candidacy ~~[for those seeking to become candidates]~~ to become a candidate for mayor or [city ~~commission or]~~ municipal council; and

(iv) information about the length of the initial term of each of the ~~[city officers, as determined by the petition sponsors under Subsection 10-2a-213(1)(c)]~~ municipal officers.

~~[(b) The notice under Subsection (1)(a) shall be published:]~~

(b) Except as provided in Subsection (1)(c), the county clerk shall publish the notice described in Subsection (1)(a):

(i) at least once a week for two consecutive weeks, before the deadline for filing a declaration of candidacy under Subsection (2), in a newspaper of general circulation within the future [city at least once a week for two successive weeks] municipality; and

(ii) for two weeks, before the deadline for filing a declaration of candidacy under

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Subsection (2), in accordance with Section 45-1-101 [~~for two weeks~~].

(c) (i) [~~In accordance with Subsection (1)(b)(i), if~~] If there is no newspaper of general circulation within the future [city] municipality, the county clerk shall post at least one notice described in Subsection (1)(a), and one additional notice described in Subsection (1)(a) per 1,000 population of the proposed municipality, in conspicuous places within the future [city] municipality that are most likely to give notice to the residents of the future [city] municipality.

~~[(ii) The notice under Subsection (1)(c)(i) shall contain the information required under Subsection (1)(a).]~~

~~[(iii) (ii) [The petition sponsors] The county clerk shall post the notices [under] described in Subsection (1)(c)(i) at least seven days before the deadline for filing a declaration of candidacy under Subsection (2).~~

(2) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a candidate for mayor or [~~city commission or~~] municipal council of a [city] municipality incorporating under this part shall file a declaration of candidacy with the clerk of the county in which the future [city] municipality is located and in accordance with [~~the deadlines set by the clerk as authorized by Section 10-2a-215.~~]:

(a) for an incorporation held on the date of a regular general election, the deadlines for filing a declaration of candidacy under Section 20A-9-202; or

(b) for an incorporation held on the date of a municipal general election, the deadlines for filing a declaration of candidacy under Section 20A-9-203.

Section 19. Section **10-2a-215** is amended to read:

10-2a-215. Election of officers of new municipality -- Primary and final election dates -- County clerk duties -- Candidate duties -- Occupation of office.

(1) For the election of [city] municipal officers, the county legislative body shall:

(a) unless a primary election is prohibited [~~by~~] under Subsection 20A-9-404(2), hold a primary election; and

(b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a final election.

(2) Each election [~~under~~] described in Subsection (1) shall be held:

(a) consistent with the petition sponsors' determination of the length of each council member's initial term; and

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(b) for the incorporation of a city:

~~[(a)]~~ (i) appropriate to the form of government chosen by the voters at the incorporation election;

~~[(b)]~~ (ii) consistent with the voters' decision about whether to elect ~~[commission or]~~ city council members by district and, if applicable, consistent with the boundaries of those districts as determined by the petition sponsors; and

~~[(c)]~~ (iii) consistent with the sponsors' determination of the number of ~~[commission or]~~ city council members to be elected ~~[and the length of their initial term]~~.

(3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2), the primary election ~~[under]~~ described in Subsection (1)(a) shall be held at the earliest of the next:

~~[(i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section 20A-1-201;]~~

~~[(ii)]~~ (i) ~~[notwithstanding Subsection 20A-1-201.5(2);]~~ regular primary election ~~[under]~~ described in Subsection 20A-1-201.5(1); or

~~[(iii)]~~ (ii) municipal primary election ~~[under]~~ described in Section 20A-9-404~~[-or]~~.

~~[(iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under Section 20A-1-202.]~~

(b) The county shall hold the primary election, if necessary, on the next ~~[earliest]~~ election date ~~[listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least: (i) 75 days]~~ described in Subsection (3)(a) that is after the incorporation election conducted under Section 10-2a-210~~[-and]~~.

~~[(ii) 65 days after the last day of the candidate filing period.]~~

(4) (a) Subject to Subsection (4)(b), the county shall hold the final election ~~[under]~~ described in Subsection (1)(b) ~~[on one of the following election dates]:~~

(i) on the following election date that next follows the date of the incorporation election held under Subsection 10-2a-210(1)(a):

~~[(i)]~~ (ii) a regular general election ~~[under]~~ described in Section 20A-1-201; or

~~[(ii) municipal primary election under Section 20A-9-404;]~~

~~[(iii)]~~ (iii) a regular municipal general election under Section 20A-1-202~~[-or]~~.

~~[(iv) regular primary election under Section 20A-1-201.5.]~~

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(b) The county shall hold the final election on the earliest of the next election date that is listed in Subsection (4)(a)(i), (ii), or (iii)~~, or (iv)~~:

(i) that is after a primary election; or

(ii) if there is no primary election, that is at least:

(A) 75 days after the incorporation election under Section 10-2a-210; and

(B) 65 days after the candidate filing period.

(5) (a) (i) ~~[The]~~ Except as provided in Subsection (5)(b), the county clerk shall publish notice of an election conducted under this section:

(A) at least once a week for two ~~[successive]~~ consecutive weeks before the election in a newspaper of general circulation within the future ~~[city]~~ municipality; and

(B) for two weeks in accordance with Section 45-1-101 ~~[for two weeks]~~.

(ii) The ~~[later]~~ last notice required to be published under Subsection (5)(a)(i) shall be published at least one day, but no more than seven days, before the election.

(b) (i) ~~[In accordance with Subsection (5)(a)(i)(A), if]~~ If there is no newspaper of general circulation within the future ~~[city]~~ municipality, the county clerk shall post at least one notice of the election, and at least one additional notice of the election per 1,000 population in the proposed municipality, in conspicuous places within the future ~~[city]~~ municipality that are most likely to give notice of the election to the voters of the municipality.

(ii) The county clerk shall post the notices ~~[under]~~ described in Subsection (5)(b)(i) at least seven days before each election ~~[under]~~ described in Subsection (1).

(6) ~~[(a)]~~ Until the ~~[city]~~ municipality is incorporated, the county clerk:

~~[(i)]~~ (a) is the election officer for all purposes ~~[in an election of officers of the city approved at an incorporation election; and]~~ related to the election of municipal officers;

~~[(ii)]~~ (b) may, as necessary, determine appropriate deadlines, procedures, and instructions related to the election of municipal officers for a new municipality that are not otherwise contrary to law~~[-]~~;

~~[(b)]~~ (c) ~~[The county clerk]~~ shall require and determine deadlines for ~~[the filing of]~~ municipal office candidates to file campaign financial disclosures ~~[of city officer candidates]~~ in accordance with Section 10-3-208~~[-]~~; and

~~[(c)]~~ The county clerk is responsible to ensure that:

~~[(i)]~~ a primary or final election for the officials of a newly incorporated city is held on a

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~~date authorized by this section; and]~~

~~[(ii)]~~ (d) shall ensure that the ballot for the election includes each office that is required to be included in the election for officers of the newly incorporated ~~[city and]~~ municipality, including the term of each office.

(7) ~~[A person]~~ An individual who has filed as a candidate for an office described in this section shall comply with:

(a) the campaign finance disclosure requirements ~~[of]~~ described in Section 10-3-208; and

(b) the requirements and deadlines ~~[as lawfully set forth]~~ established by the county clerk under this section.

(8) Notwithstanding Section 10-3-201, the officers elected at a final election described in Subsection (4)(a) shall take office:

(a) after taking the oath of office; and

(b) at noon on the first Monday following the day on which the election official transmits a certificate of nomination or election under the officer's seal to each elected candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

Section 20. Section **10-2a-216** is amended to read:

10-2a-216. Notification to lieutenant governor of election of municipal officers.

Within 10 days ~~[of]~~ after the day on which the county conducts the canvass of the final election of ~~[city]~~ municipal officers under Section 10-2a-215, the county clerk shall send written notice to the lieutenant governor of the name and position of each officer elected in a new municipality and the term for which each has been elected.

Section 21. Section **10-2a-217** is amended to read:

10-2a-217. Filing of notice and approved final local entity plat with lieutenant governor -- Effective date of incorporation -- Necessity of recording documents and effect of not recording.

(1) The mayor of the future ~~[city]~~ municipality shall:

(a) within 30 days after the day of the canvass of the final election of ~~[city]~~ municipal officers under Section 10-2a-215, file with the lieutenant governor:

(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that ~~[meets the requirements of]~~ complies with Subsection 67-1a-6.5(3); and

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(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

(b) upon the lieutenant governor's issuance of a certificate of incorporation under Section 67-1a-6.5:

(i) if the [city] municipality is located within the boundary of a single county, submit to the recorder of that county the original:

(A) notice of an impending boundary action;

(B) certificate of incorporation; and

(C) approved final local entity plat; or

(ii) if the [city] municipality is located within the boundaries of more than [a single] one county, submit the original of the documents [~~listed in Subsections (1)(b)(i)(A), (B), and (C)~~] described in Subsection (1)(b)(i) to one of those counties and a certified copy of those documents to each other county.

(2) (a) The incorporation of a new municipality is effective upon the lieutenant governor's issuance of a certificate of incorporation under Section 67-1a-6.5.

(b) Notwithstanding any other provision of law, a [city] municipality is conclusively presumed to be lawfully incorporated and existing if, for two years following the [city's] municipality's incorporation:

(i) (A) the [city] municipality has levied and collected a property tax; or

(B) for a [city] municipality incorporated on or after July 1, 1998, the [city] municipality has imposed a sales and use tax; and

(ii) no challenge to the existence or incorporation of the [city] municipality has been filed in the district court for the county in which the [city] municipality is located.

(3) (a) The effective date of an incorporation for purposes of assessing property within the new [city] municipality is governed by Section 59-2-305.5.

(b) Until the documents listed in Subsection (1)(b) are recorded in the office of the recorder of each county in which the property is located, a newly incorporated [city] municipality may not:

(i) levy or collect a property tax on property within the [city] municipality;

(ii) levy or collect an assessment on property within the [city] municipality; or

(iii) charge or collect a fee for service provided to property within the [city] municipality.

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Section 22. Section **10-2a-218** is amended to read:

10-2a-218. Powers of officers-elect.

(1) ~~Upon the~~ After the county conducts the canvass of the final election of [city] municipal officers under Section 10-2a-215, and until the future [city] municipality becomes legally incorporated, the officers of the future [city] municipality may:

(a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, a proposed budget and compilation of ordinances;

(b) negotiate and make personnel contracts and hirings;

(c) negotiate and make service contracts;

(d) negotiate and make contracts to purchase equipment, materials, and supplies;

(e) borrow funds from the county in which the future [city] municipality is located under Subsection 10-2a-219(3);

(f) borrow funds for startup expenses of the future [city] municipality;

(g) issue tax anticipation notes in the name of the future [city] municipality; and

(h) make appointments to the [city's] municipality's planning commission.

(2) The ~~[city's legislative body]~~ municipal council shall review and ratify each contract made by ~~[the officers]~~ a municipal officer under Subsection (1) within 30 days after the day on which the municipality's incorporation is effective ~~[date of incorporation]~~ under Section 10-2a-217.

Section 23. Section **10-2a-219** is amended to read:

10-2a-219. Division of municipal service revenues -- County may provide startup funds.

(1) The county in which an area incorporating under this part is located shall, until the ~~[date of the city's]~~ day on which the municipality's incorporation is effective under Section 10-2a-217, continue to:

(a) ~~[to]~~ levy and collect ad valorem property tax and other revenues from or pertaining to the future [city] municipality; and

(b) except as otherwise agreed by the county and the officers of the [city] municipality, to provide the same services to the future [city] municipality as the county provided before the commencement of the incorporation proceedings.

(2) (a) The legislative body of the county in which a newly incorporated [city]

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municipality is located shall share pro rata with the new [city] municipality, based on the date of incorporation, the taxes and service charges or fees levied and collected by the county under Section 17-34-3 during the year of the new [city's] municipality's incorporation if and to the extent that the new [city] municipality provides, by itself or by contract, the same services for which the county levied and collected the taxes and service charges or fees.

(b) (i) The legislative body of a county in which a [city] municipality incorporated after January 1, 2004, is located may share with the new [city] municipality taxes and service charges or fees that were levied and collected by the county under Section 17-34-3:

(A) before the year of the new [city's] municipality's incorporation;

(B) from the previously unincorporated area that, because of the [city's] municipality's incorporation, is located within the boundaries of the newly incorporated [city] municipality; and

(C) ~~[for the purpose of providing]~~ to provide services to the area that before the new [city's] municipality's incorporation was unincorporated.

(ii) A county legislative body may share taxes and service charges or fees under Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts due under a contract for ~~[municipal-type services]~~ a municipal service provided by the county to the new [city] municipality.

(3) (a) The legislative body of a county in which an area incorporating under this part is located may appropriate county funds to:

(i) before incorporation but after the canvass of the final election of [city] municipal officers under Section 10-2a-215, the officers of the future [city] municipality to pay startup expenses of the future [city] municipality; or

(ii) after incorporation, the new [city] municipality.

(b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a grant, a loan, or as an advance against future distributions made under Subsection (2).

Section 24. Section **10-2a-220** is amended to read:

10-2a-220. Costs of incorporation -- Fees established by lieutenant governor.

(1) (a) There is created an expendable special revenue fund known as the "Municipal Incorporation Expendable Special Revenue Fund."

(b) The fund shall consist of:

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(i) appropriations from the Legislature; and

(ii) fees the Office of the Lieutenant Governor collects and remits to the fund under this section.

(c) The Office of the Lieutenant Governor shall deposit all money collected under this section into the fund.

~~[(+)]~~ (2) (a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504 for a cost incurred by the lieutenant governor for an incorporation proceeding, including:

(i) a request certification;

(ii) a feasibility study;

(iii) a petition certification;

(iv) publication of notices;

(v) public hearings;

(vi) all other incorporation activities occurring after the elections; and

(vii) any other cost incurred by the lieutenant governor in relation to an incorporation proceeding.

(b) A cost under Subsection ~~[(+)]~~ (2)(a) does not include a cost incurred by a county for holding an election under Section 10-2a-210.

~~[(2) Subject to Subsection (3)(a), the lieutenant governor shall, by supplemental appropriations,]~~

(3) The lieutenant governor shall pay for a cost described in [Subsections (1)(a)(i) through (vii)] Subsection (2)(a) using funds from the Municipal Incorporation Expendable Special Revenue Fund.

~~[(3) If incorporation occurs, the new city shall pay:]~~

(4) (a) An area that incorporates as a municipality shall pay:

~~[(a)]~~ (i) to the lieutenant governor each fee established under Subsection ~~[(+)]~~ (2) for each ~~[incurred cost described in Subsections (1)(a)(i) through (vii)]~~ cost described in Subsection (2)(a) incurred by the lieutenant governor; and

~~[(b)]~~ (ii) the county for a cost described in Subsection ~~[(+)]~~ (2)(b).

(b) The lieutenant governor shall execute a payback agreement with each new municipality for the new municipality to pay the fees described in Subsection (4)(a) over a

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period that, except as provided in Subsection (4)(c), may not exceed five years.

(c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the deadline described in Subsection (4)(b) by amending the payback agreement described in Subsection (4)(b).

(d) The lieutenant governor shall deposit each fee the lieutenant governor collects under Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue Fund.

(5) If the lieutenant governor expends funds from the Municipal Incorporation Expendable Special Revenue Fund that are not repaid to the lieutenant governor under Subsection (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall appropriate money to the fund in an amount equal to the funds that are not repaid.

Section 25. Section **10-2a-402** is amended to read:

10-2a-402. Application.

(1) The provisions of this part:

(a) apply to a planning township that is:

(i) located in a county of the first class; and

(ii) established before January 1, 2015; and

(b) do not apply to a planning advisory area, as defined in Section 17-27a-103, or any other unincorporated area located outside of a county of the first or second class.

(2) (a) The provisions of Part 2, Incorporation of a [~~City, and Part 3, Incorporation of a Town,~~] Municipality, apply to an unincorporated area described in Subsection (1) for an incorporation as a city after November 3, 2015.

(b) The provisions of Chapter 2, Part 4, Annexation, apply to an unincorporated island that is not annexed at an election under this part for purposes of annexation on or after November 4, 2015.

Section 26. Section **10-2a-413** is amended to read:

10-2a-413. Incorporation under this part subject to other provisions.

(1) An incorporation of a metro township, city, or town under this part is subject to the following provisions to the same extent as the incorporation of a city under Part 2, Incorporation of a [~~City~~] Municipality:

(a) Section 10-2a-217;

(b) Section 10-2a-219; and

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(c) Section 10-2a-220.

(2) An incorporation of a city or town under this part is subject to Section 10-2a-218 to the same extent as the incorporation of a city or town under Part 2, Incorporation of a [City] Municipality.

Section 27. Section **20A-1-203** is amended to read:

20A-1-203. Calling and purpose of special elections -- Two-thirds vote limitations.

(1) Statewide and local special elections may be held for any purpose authorized by law.

(2) (a) Statewide special elections shall be conducted using the procedure for regular general elections.

(b) Except as otherwise provided in this title, local special elections shall be conducted using the procedures for regular municipal elections.

(3) The governor may call a statewide special election by issuing an executive order that designates:

(a) the date for the statewide special election; and

(b) the purpose for the statewide special election.

(4) The Legislature may call a statewide special election by passing a joint or concurrent resolution that designates:

(a) the date for the statewide special election; and

(b) the purpose for the statewide special election.

(5) (a) The legislative body of a local political subdivision may call a local special election only for:

(i) a vote on a bond or debt issue;

(ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;

(iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

(iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

(v) if required or authorized by federal law, a vote to determine whether [~~or not~~] Utah's legal boundaries should be changed;

(vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

(vii) a vote to elect members to school district boards for a new school district and a

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remaining school district, as defined in Section 53G-3-102, following the creation of a new school district under Section 53G-3-302;

(viii) a vote on a municipality providing cable television services or public telecommunications services under Section 10-18-204;

(ix) a vote to create a new county under Section 17-3-1;

(x) a vote on the creation of a study committee under Sections 17-52a-302 and 17-52a-304;

(xi) a vote on a special property tax under Section 53F-8-402;

(xii) a vote on the incorporation of a [city] municipality in accordance with Section 10-2a-210; or

~~[(xiii) a vote on the incorporation of a town in accordance with Section 10-2a-304; or]~~

~~[(xiv)]~~ (xiii) a vote on incorporation or annexation as described in Section 10-2a-404.

(b) The legislative body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates:

(i) the date for the local special election as authorized by Section 20A-1-204; and

(ii) the purpose for the local special election.

(c) A local political subdivision may not call a local special election unless the ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a two-thirds majority of all members of the legislative body, if the local special election is for:

(i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

(ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

(iii) a vote authorized or required for a sales tax issue as described in Subsection (5)(a)(vi).

Section 28. Section **20A-11-101** is amended to read:

20A-11-101. Definitions.

As used in this chapter:

(1) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.

(2) "Agent of a reporting entity" means:

(a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

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(b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;

(c) the personal campaign committee of a candidate or officeholder;

(d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder; or

(e) a political consultant of a reporting entity.

(3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.

(4) "Candidate" means any person who:

(a) files a declaration of candidacy for a public office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

(5) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

(b) the county clerk for local school board candidates.

(6) (a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity to the filing entity;

(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(v) remuneration from:

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(A) any organization or its directly affiliated organization that has a registered lobbyist;
or

(B) any agency or subdivision of the state, including school districts;

(vi) a loan made by a candidate deposited to the candidate's own campaign; and

(vii) in-kind contributions.

(b) "Contribution" does not include:

(i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;

(ii) money lent to the filing entity by a financial institution in the ordinary course of business; or

(iii) goods or services provided for the benefit of a candidate or political party at less than fair market value that are not authorized by or coordinated with the candidate or political party.

(7) "Coordinated with" means that goods or services provided for the benefit of a candidate or political party are provided:

(a) with the candidate's or political party's prior knowledge, if the candidate or political party does not object;

(b) by agreement with the candidate or political party;

(c) in coordination with the candidate or political party; or

(d) using official logos, slogans, and similar elements belonging to a candidate or political party.

(8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:

(i) the purpose of expressly advocating for political purposes; or

(ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.

(b) "Corporation" does not mean:

(i) a business organization's political action committee or political issues committee; or

(ii) a business entity organized as a partnership or a sole proprietorship.

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(9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.

(10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the person or entity to whom it was disbursed;

(iii) the specific purpose, item, or service acquired by the expenditure; and

(iv) the date the expenditure was made.

(12) (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

(b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(14) "Electioneering communication" means a communication that:

(a) has at least a value of \$10,000;

(b) clearly identifies a candidate or judge; and

(c) is disseminated through the Internet, newspaper, magazine, outdoor advertising

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facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

(15) (a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:

(i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

(v) a transfer of funds between the filing entity and a candidate's personal campaign committee; or

(vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.

(b) "Expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;

(ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or

(iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

(16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.

(17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial

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Retention Elections.

(19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

(20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city, town, or metro township.

(21) "Incorporation election" means the election [~~authorized by~~] conducted under Section 10-2a-210[~~, 10-2a-304,~~] or 10-2a-404.

(22) "Incorporation petition" means a petition [~~authorized by~~] described in Section 10-2a-208 [~~or 10-2a-302.5~~].

(23) "Individual" means a natural person.

(24) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.

(25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(27) "Legislative office candidate" means a person who:

(a) files a declaration of candidacy for the office of state senator or state representative;

(b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

(c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.

(28) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.

(29) "Officeholder" means a person who holds a public office.

(30) "Party committee" means any committee organized by or authorized by the

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governing board of a registered political party.

(31) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.

(32) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

(33) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.

(34) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive contributions from any other person, group, or entity for political purposes; or

(ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.

(b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.

(c) "Political action committee" does not mean:

(i) a party committee;

(ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or

(vi) a personal campaign committee.

(35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.

(b) "Political consultant" includes a circumstance described in Subsection (35)(a),

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where the person:

(i) has already been paid, with money or other consideration;

(ii) expects to be paid in the future, with money or other consideration; or

(iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.

(36) "Political convention" means a county or state political convention held by a registered political party to select candidates.

(37) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

(ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or

(iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.

(b) "Political issues committee" does not mean:

(i) a registered political party or a party committee;

(ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or

(vi) a group of individuals who:

(A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, local district, special service district, or other local political subdivision of the state;

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(B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;

(C) do not associate together, for the purpose described in Subsection (37)(b)(vi)(A), via a legal entity;

(D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and

(E) do not expend a total of more than \$5,000 for the purpose described in Subsection (37)(b)(vi)(A).

(38) (a) "Political issues contribution" means any of the following:

(i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;

(iii) any transfer of funds received by a political issues committee from a reporting entity;

(iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and

(v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

(b) "Political issues contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(39) (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:

(i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

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(B) an incorporation petition or incorporation election;

(ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;

(iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

(v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

(b) "Political issues expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(40) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:

(a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or

(b) judge standing for retention at any election.

(41) (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.

(b) "Poll" does not include:

(i) a ballot; or

(ii) an interview of a focus group that is conducted, in person, by one individual, if:

(A) the focus group consists of more than three, and less than thirteen, individuals; and

(B) all individuals in the focus group are present during the interview.

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(42) "Primary election" means any regular primary election held under the election laws.

(43) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

(44) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(45) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or

(ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.

(b) "Public service assistance" does not include:

(i) anything provided by the state;

(ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

(iii) money lent to an officeholder by a financial institution in the ordinary course of business;

(iv) news coverage or any publication by the news media; or

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

(46) "Receipts" means contributions and public service assistance.

(47) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

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(48) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(49) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(50) "Registered political party" means an organization of voters that:

(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

(b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.

(51) (a) "Remuneration" means a payment:

(i) made to a legislator for the period the Legislature is in session; and

(ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.

(b) "Remuneration" does not mean anything of economic value given to a legislator by:

(i) the legislator's primary employer in the ordinary course of business; or

(ii) a person or entity in the ordinary course of business:

(A) because of the legislator's ownership interest in the entity; or

(B) for services rendered by the legislator on behalf of the person or entity.

(52) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

(53) "School board office" means the office of state school board.

(54) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

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(55) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(56) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.

(57) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

(58) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 29. Section **63I-2-210** is amended to read:

63I-2-210. Repeal dates -- Title 10.

~~[(1) On July 1, 2018, the following are repealed:]~~

~~[(a) in Subsection 10-2-403(5), the language that states "10-2a-302 or";]~~

~~[(b) in Subsection 10-2-403(5)(b), the language that states "10-2a-302 or";]~~

~~[(c) in Subsection 10-2a-106(2), the language that states "10-2a-302 or";]~~

~~[(d) Section 10-2a-302;]~~

~~[(e) Subsection 10-2a-302.5(2)(a);]~~

~~[(f) in Subsection 10-2a-303(1), the language that states "10-2a-302 or";]~~

~~[(g) in Subsection 10-2a-303(4), the language that states "10-2a-302(7)(b)(v) or" and "10-2a-302(7)(b)(iv) or";]~~

~~[(h) in Subsection 10-2a-304(1)(a), the language that states "10-2a-302 or"; and]~~

~~[(i) in Subsection 10-2a-304(1)(a)(ii), the language that states "Subsection 10-2a-302(5) or".]~~

~~[(2)] (1) Subsection 10-9a-304(2) is repealed June 1, 2020.~~

~~[(3)] (2) When repealing Subsection 10-9a-304(2), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.~~

Section 30. Section **67-1a-2** is amended to read:

67-1a-2. Duties enumerated.

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(1) The lieutenant governor shall:

(a) perform duties delegated by the governor, including assignments to serve in any of the following capacities:

(i) as the head of any one department, if so qualified, with the consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation;

(ii) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs;

(iii) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests;

(iv) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state;

(v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and

(vi) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;

(b) serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;

(c) serve as the chief election officer of the state as required by Subsection (2);

(d) keep custody of the Great Seal of Utah;

(e) keep a register of, and attest, the official acts of the governor;

(f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

(g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.

(2) (a) As the chief election officer, the lieutenant governor shall:

(i) exercise general supervisory authority over all elections;

(ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts

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involving those races;

(iii) assist county clerks in unifying the election ballot;

(iv) (A) prepare election information for the public as required by statute and as determined appropriate by the lieutenant governor; and

(B) make the information under Subsection (2)(a)(iv)(A) available to the public and to news media on the Internet and in other forms as required by statute or as determined appropriate by the lieutenant governor;

(v) receive and answer election questions and maintain an election file on opinions received from the attorney general;

(vi) maintain a current list of registered political parties as defined in Section 20A-8-101;

(vii) maintain election returns and statistics;

(viii) certify to the governor the names of those persons who have received the highest number of votes for any office;

(ix) ensure that all voting equipment purchased by the state complies with the requirements of Subsection 20A-5-302(2) and Sections 20A-5-802 and 20A-5-803;

(x) conduct the study described in Section 67-1a-14;

(xi) during a declared emergency, to the extent that the lieutenant governor determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:

(A) voting on election day;

(B) early voting;

(C) the transmittal or voting of an absentee ballot or military-overseas ballot;

(D) the counting of an absentee ballot or military-overseas ballot; or

(E) the canvassing of election returns; and

(xii) perform other election duties as provided in Title 20A, Election Code.

(b) As chief election officer, the lieutenant governor may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.

(3) (a) The lieutenant governor shall:

(i) determine a new [city's] municipality's classification under Section 10-2-301 upon

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the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a [City] Municipality, based on the [city's] municipality's population using the population estimate from the Utah Population Committee; and

(ii) (A) prepare a certificate indicating the class in which the new [city] municipality belongs based on the [city's] municipality's population; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the [city's] municipality's legislative body.

(b) The lieutenant governor shall:

(i) determine the classification under Section 10-2-301 of a consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of Municipalities, using population information from:

(A) each official census or census estimate of the United States Bureau of the Census;

or

(B) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census; and

(ii) (A) prepare a certificate indicating the class in which the consolidated municipality belongs based on the municipality's population; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the consolidated municipality's legislative body.

(c) The lieutenant governor shall:

(i) determine a new metro township's classification under Section 10-2-301.5 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, based on the metro township's population using the population estimates from the Utah Population Committee; and

(ii) prepare a certificate indicating the class in which the new metro township belongs based on the metro township's population and, within 10 days after preparing the certificate, deliver a copy of the certificate to the metro township's legislative body.

(d) The lieutenant governor shall monitor the population of each municipality using population information from:

(i) each official census or census estimate of the United States Bureau of the Census; or

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(ii) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census.

(e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a municipality's population has increased beyond the population for its current class, the lieutenant governor shall:

(i) prepare a certificate indicating the class in which the municipality belongs based on the increased population figure; and

(ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.

(f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a municipality's population has decreased below the population for its current class, the lieutenant governor shall send written notification of that fact to the municipality's legislative body.

(ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose population has decreased below the population for its current class, the lieutenant governor shall:

(A) prepare a certificate indicating the class in which the municipality belongs based on the decreased population figure; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the legislative body of the municipality whose class has changed.

Section 31. Repealer.

This bill repeals:

Section 10-2a-221, Incorporation petition or feasibility study before May 8, 2012.

Section 10-2a-301, Title.

Section 10-2a-302.5, Incorporation of a town -- Petition.

Section 10-2a-303, Incorporation of a town -- Public hearing on feasibility.

Section 10-2a-304, Incorporation of a town -- Election to incorporate -- Ballot form.

Section 10-2a-305, Form of government -- Determination of council officer terms -- Hearings and notice.

Section 10-2a-305.1, Notice of number of council members to be elected and of

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district boundaries -- Declaration of candidacy for city office -- Occupation of office.

Section 10-2a-305.2, Election of officers of new town -- Primary and final election dates -- County clerk duties -- Candidate duties -- Occupation of office.

Section 10-2a-306, Notice to lieutenant governor -- Effective date of incorporation -- Effect of recording documents.

Section 10-2a-307, Costs of town incorporation -- Fees established by lieutenant governor.

Section 32. Appropriation.

The following sums of money are appropriated for the fiscal year beginning July 1, 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for fiscal year 2020. The Legislature has reviewed the following expendable funds. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated. Outlays and expenditures from the funds or accounts to which the money is transferred may be made without further legislative action, in accordance with statutory provisions relating to the funds or accounts.

ITEM 1

To the Municipal Incorporation Expendable Special Revenue Fund

From General Fund, One-time {—————} ~~{\$100}~~ \$40,000

Schedule of Programs:

Municipal Incorporation Expendable {—————}

Special Revenue Fund {—————} ~~\$100~~ \$40,000

Section 33. Revisor instructions.

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the reference in Subsection 10-2a-106(3), from "this bill" to the bill's designated chapter number in the Laws of Utah.

Section 34. Coordinating S.B. 35 with S.B. 33 -- Substantive and technical amendments.

If this S.B. 35 and S.B. 33, Political Procedures Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication, as follows:

(1) Subsection 10-2a-207(3) is amended to read:

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"(3) [(a)(i)] The lieutenant governor shall publish notice of the public hearings [required under] described in Subsection (1):

[(A)] (a) (i) at least once a week for three [successive] consecutive weeks before the first public hearing in a newspaper of general circulation within the proposed [city] municipality; [and]

(ii) if there is no newspaper of general circulation in the proposed municipality, at least three weeks before the day of the first public hearing, by posting one notice, and at least one additional notice per 2,000 population of the proposed municipality, in places within the proposed municipality that are most likely to give notice to the residents within, and the owners of real property located within, the proposed municipality; or

(iii) at least three weeks before the first public hearing, by mailing notice to each residence within, and each owner of real property located within, the proposed municipality;

[(B)] (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks[-] before the day of the first public hearing;

(c) in accordance with Section 45-1-101, for three weeks before the day of the first public hearing; and

(d) on the lieutenant governor's website for three weeks before the day of the first public hearing.

[(ii)] (4) The last [publication of] notice required to be published under Subsection (3)(a)(i)[(A)] shall be at least three days before the first public hearing required under Subsection (1).

[(b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation within the proposed city, the lieutenant governor shall post at least one notice of the hearings per 1,000 population in conspicuous places within the proposed city that are most likely to give notice of the hearings to the residents of the proposed city.]

[(ii) The lieutenant governor shall post the notices under Subsection (3)(b)(i) at least seven days before the first hearing under Subsection (1).]

[(c) The notice under Subsections (3)(a) and (b)]

(5) (a) Except as provided in Subsection (5)(b), the notice described in Subsection (3) shall include the feasibility study summary [under] described in Subsection 10-2a-205(3)[(b)](c) and shall indicate that a full copy of the study is available [for inspection

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and copying] on the lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

[(d) The lieutenant governor shall post a copy of the feasibility study on the lieutenant governor's website and make a copy available for public review at the Office of the Lieutenant Governor.]

(b) Instead of publishing the feasibility summary under Subsection (5)(a), the lieutenant governor may publish a statement that specifies the following sources where a resident within, or the owner of real property located within, the proposed municipality, may view or obtain a copy of the feasibility study:

(i) the lieutenant governor's website;

(ii) the physical address of the Office of the Lieutenant Governor; and

(iii) a mailing address and telephone number.";

(2) Subsections 10-2a-210(2) and (3) are amended to read:

"(2) [(a)] The county clerk shall publish notice of the election:

(a) (i) in a newspaper of general circulation within the area proposed to be incorporated at least once a week for three successive weeks[; and] before the election;

(ii) if there is no newspaper of general circulation in the area proposed to be incorporated, at least three weeks before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the area proposed to be incorporated, in places within the area proposed to be incorporated that are most likely to give notice to the voters within the area proposed to be incorporated; or

(iii) at least three weeks before the day of the election, by mailing notice to each registered voter in the area proposed to be incorporated;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the day of the election;

[(ii)] (c) in accordance with Section 45-1-101, for three weeks[-] before the day of the election; and

(d) on the county's website for three weeks before the day of the election.

[(b)] (3) (a) The notice required by Subsection (2)[(a)] shall contain:

(i) a statement of the contents of the petition;

(ii) a description of the area proposed to be incorporated as a [city] municipality;

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(iii) a statement of the date and time of the election and the location of polling places;

and

(iv) except as provided in Subsection (3)(c), the feasibility study summary [under] described in Subsection 10-2a-205(3)[(b)](c) and a statement that a full copy of the study is available on the lieutenant governor's website and for inspection [and copying] at the Office of the Lieutenant Governor.

[(c)] (b) The last [publication of] notice required to be published under Subsection (2)(a)(i) shall [occur] be published at least one day, but no more than seven days, before the day of the election.

[(d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general circulation within the proposed city, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the proposed city that are most likely to give notice of the election to the voters of the proposed city.]

[(ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before the election under Subsection (1).]

(c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the notice may include a statement that specifies the following sources where a registered voter in area proposed to be incorporated may view or obtain a copy the feasibility study:

(i) the lieutenant governor's website;

(ii) the physical address of the Office of the Lieutenant Governor; and

(iii) a mailing address and telephone number.

(4) An individual may not vote in an incorporation election under this section unless the individual is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed municipality.

[(3)] (5) If a majority of those [casting votes within the area boundaries of the proposed city vote to incorporate as a city,] who vote in an incorporation election held under this section cast votes in favor of incorporation, the area shall incorporate.";

(3) Subsections 10-2a-213(2) and (3) are amended to read:

"[(2) (a)] (3) Before making a determination under Subsection (1)(a)[, (b), or (c)] or (b)(i), the petition sponsors shall hold a public hearing within the future [city] municipality on the applicable issues [under] described in Subsections (1)(a)[, (b), and (c)] and (b)(i).

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~~[(b)(i)]~~ (4) The petition sponsors shall publish notice of the public hearing ~~[under]~~ described in Subsection ~~[(2)(a)]~~ (3):

~~[(A)]~~ (a) (i) in a newspaper of general circulation within the future ~~[city]~~ municipality at least once a week for two successive weeks before the public hearing; ~~[and]~~

~~(ii) if there is no newspaper of general circulation in the future municipality, at least two weeks before the day of the public hearing, by posting one notice, and at least one additional notice per 2,000 population of the future municipality, in places within the future municipality that are most likely to give notice to the residents within, and the owners of real property located within, the future municipality; or~~

~~(iii) at least two weeks before the day of the public hearing, by mailing notice to each residence within, and each owner of real property located within, the future municipality;~~

~~[(B)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks before the day of the public hearing~~[-];~~

~~(c) in accordance with Section 45-1-101, for at least two weeks before the day of the public hearing; and~~

~~(d) on the county's website for two weeks before the day of the public hearing.~~

~~[(ii)]~~ (5) The last ~~[publication of]~~ notice required to be published under Subsection ~~[(2)(b)(i)(A)]~~ (4)(a)(i) shall be published at least three days before the day of the public hearing ~~[under]~~ described in Subsection ~~[(2)(a)]~~ (3).

~~[(c) (i) In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general circulation within the future city, the petition sponsors shall post at least one notice of the hearing per 1,000 population in conspicuous places within the future city that are most likely to give notice of the hearing to the residents of the future city.]~~

~~[(ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven days before the hearing under Subsection (2)(a).]";~~

~~(4) Section 10-2a-214 is amended to read:~~

~~"10-2a-214. Notice of number of commission or council members to be elected and of district boundaries -- Declaration of candidacy for city office.~~

~~(1) [(a)] Within 20 days [of the county legislative body's receipt of the information] after the day on which a county legislative body receives the petition sponsors' determination under Subsection 10-2a-213(1)[(d)](b)(ii), the county clerk shall publish, in accordance with~~

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Subsection (1)(b) (2), notice containing:

(i) (a) the number of [commission or] municipal council members to be elected for the new [city] municipality;

(ii) (b) except as provided in Subsection (3), if some or all of the [commission or] municipal council members are to be elected by district, a description of the boundaries of those districts [as designated by the petition sponsors under Subsection 10-2a-213(1)(b)];

(iii) (c) information about the deadline for [filing] an individual to file a declaration of candidacy [for those seeking to become candidates] to become a candidate for mayor or [city commission or] municipal council; and

(iv) (d) information about the length of the initial term of each of the [city officers, as determined by the petition sponsors under Subsection 10-2a-213(1)(c)] municipal officers.

(b) (2) The county clerk shall publish the notice [under] described in Subsection (1)(a) shall be published];

(a) (i) in a newspaper of general circulation within the future [city] at least once a week for two [successive] consecutive weeks; [and]

(ii) if there is no newspaper of general circulation in the future municipality, by posting one notice, and at least one additional notice per 2,000 population of the future municipality, in places within the future municipality that are most likely to give notice to the residents in the future municipality; or

(iii) by mailing notice to each residence in the future municipality;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;

(ii) (c) in accordance with Section 45-1-101, for two weeks[-]; and

(d) on the county's website for two weeks.

(c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general circulation within the future city, the county clerk shall post at least one notice per 1,000 population in conspicuous places within the future city that are most likely to give notice to the residents of the future city.]

(ii) The notice under Subsection (1)(c)(i) shall contain the information required under Subsection (1)(a):]

(iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least seven days before the deadline for filing a declaration of candidacy under Subsection (2):]

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(3) Instead of publishing the district boundaries described in Subsection (1)(b), the notice may include a statement that specifies the following sources where a resident of the future municipality may view or obtain a copy the district:

- (a) the county website;
- (b) the physical address of the county offices; and
- (c) a mailing address and telephone number.

[(2)] (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a candidate for mayor or [city commission or] municipal council of a [city] municipality incorporating under this part shall file a declaration of candidacy with the clerk of the county in which the future [city] municipality is located and in accordance with [the deadlines set by the clerk as authorized by Section 10-2a-215.]:

(a) for an incorporation held on the date of a regular general election, the deadlines for filing a declaration of candidacy under Section 20A-9-202; or

(b) for an incorporation held on the date of a municipal general election, the deadlines for filing a declaration of candidacy under Section 20A-9-203."; and

(5) Subsections 10-2a-215(5) and (6) are amended to read:

"(5) [(a) (i)] The county clerk shall publish notice of an election under this section:

[(A)] (a) (i) in accordance with Subsection (6), at least once a week for two [successive] consecutive weeks before the election in a newspaper of general circulation within the future [city] municipality; [and]

(ii) if there is no newspaper of general circulation in the future municipality, at least two weeks before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the future municipality, in places within the future municipality that are most likely to give notice to the voters within the future municipality; or

(iii) at least two weeks before the day of the election, by mailing notice to each registered voter within the future municipality;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks before the day of the election;

[(B)] (c) in accordance with Section 45-1-101, for two weeks[-] before the day of the election; and

(d) on the county's website for two weeks before the day of the election.

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~~[(ii)] (6) The [later] last notice required to be published under Subsection (5)(a)(i) shall be published at least one day but no more than seven days before the day of the election.~~

~~[(b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general circulation within the future city, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the future city that are most likely to give notice of the election to the voters.]~~

~~[(ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven days before each election under Subsection (1).]~~

~~[(6)(a)] (7) Until the [city] municipality is incorporated, the county clerk:~~

~~[(i)] (a) is the election officer for all purposes [in an election of officers of the city approved at an incorporation election; and] related to the election of municipal officers;~~

~~[(ii)] (b) may, as necessary, determine appropriate deadlines, procedures, and instructions related to the election of municipal officers for a new municipality that are not otherwise contrary to law[.];~~

~~[(b)] (c) [The county clerk] shall require and determine deadlines for [the filing of] municipal office candidates to file campaign financial disclosures [of city officer candidates] in accordance with Section 10-3-208[.]; and~~

~~[(c) The county clerk is responsible to ensure that:]~~

~~[(i) a primary or final election for the officials of a newly incorporated city is held on a date authorized by this section; and]~~

~~[(ii)] (d) shall ensure that the ballot for the election includes each office that is required to be included in the election for officers of the newly incorporated [city and] municipality, including the term of each office."~~